

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FRANCISCO A. LARA,

Case No. 3:17-cv-00544-MMD-WGC

Petitioner,

ORDER

v.

WARDEN BAKER, *et al.*,

Respondents.

Petitioner Francisco A. Lara filed an Amended Petition for Writ of Habeas Corpus (ECF No. 16) under 28 U.S.C. § 2254, challenging a conviction in Nevada's Eighth Judicial District Court. Respondents have now filed a suggestion of death on the record indicating that Lara died on December 22, 2020. (ECF No. 49.) The Nevada Department of Corrections' ("NDOC") press release (*id.* at 6) and online records¹ confirm that Lara is deceased.

The Court may entertain a state prisoner's petition for writ of habeas corpus only on the ground that he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a). A petitioner's death renders the habeas petition moot. *See Dove v. United States*, 423 U.S. 325 (1976) (per curiam) (dismissing petition for a writ of certiorari from appellate decision in criminal proceedings upon petitioner's death); *Farmer v. McDaniel*, 692 F.3d 1052 (9th Cir. 2012) (upon notice of petitioner's death, appeal dismissed as moot and case remanded to district court to dismiss habeas petition as moot); *Garceau v. Woodford*, 399 F.3d 1101 (9th Cir. 2005) ("Because petitioner's death renders this case moot, the petition for a writ of habeas corpus should

¹The Court takes judicial notice of Petitioner's current status as reported in the NDOC's online records. The inmate search tool may be accessed by the public online at: <https://ofdsearch.doc.nv.gov/>.

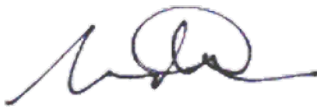
1 be dismissed as moot.”); *Griffey v. Lindsey*, 349 F.3d 1157 (9th Cir. 2003) (same).

2 Lara’s death constitutes an end to his detention; thus, this action no longer
3 presents a live case or controversy. Accordingly, the amended petition challenging his
4 alleged unconstitutional confinement is now moot.

5 It is therefore ordered that Petitioner Francisco A. Lara’s Amended Petition for Writ
6 of Habeas Corpus (ECF No. 16) is dismissed without prejudice as moot, on account of
7 Lara’s death.

8 The Clerk of the Court is instructed to close this case and enter judgment
9 accordingly.

10 DATED THIS 12th Day of January 2021.

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14 MIRANDA M. DU
15 CHIEF UNITED STATES DISTRICT JUDGE
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